

III. THE INDICATION OF ALLOWABLE SUBJECT MATTER

Applicants greatly appreciate the indication at page 4 of the final Office Action that claims 51-53, 55-62, 73-75 and 154 are allowed. For the reasons discussed below, Applicants submit that claim 54 is also allowable. An indication of allowance of claims 51-54, 55-62, 73-75 and 154 is respectfully requested.

IV. THE REJECTION UNDER 35 U.S.C. § 112, 1ST PARAGRAPH

The final Office Action rejects claim 54 under 35 U.S.C. § 112, first paragraph. In particular, the final Office Action asserts that the specification does not enable one of skill in the art to prepare the Fas cell line recited in claim 54.

In response, Applicants (1) amend the specification herein to incorporate the Hanabuchi et al. reference disclosed in the present specification as “a method known per se in the art” for preparing the claimed Fas cell line and (2) submit a Declaration Under 37 C.F.R. § 1.132, which demonstrates that one skilled in the art at the time of the invention could prepare the claimed Fas cell line using the procedure disclosed in the Hanabuchi et al. reference by employing the Fas gene and WR19L cells in place of mouse Fas gene and L5178Y cells, respectively. (For the Office’s information, Applicants cited the Hanabuchi et al. reference in an Information Disclosure Statement, filed March 3, 1998.)

Reconsideration and withdrawal of the rejection of claim 54 under 35 U.S.C. § 112, first paragraph, are respectfully requested.

V. CONCLUSION

Early consideration and prompt allowance of the pending claims are respectfully requested.

If anything could be done to place this application in even better condition for allowance, e.g., by **Examiner's Amendment**, Applicants respectfully request that the Examiner contact the undersigned representative at the telephone number listed below.

Please grant any extension of time deemed necessary for entry of this communication.

Please charge any deficient fees, or credit any overpayment of fees, to Deposit Account No. 500417.

Respectfully submitted,
McDERMOTT, WILL & EMERY

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Declaration Under 37 C.F.R. § 1.132

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